

**WRIGHTSTOWN TOWNSHIP PLANNING COMMISSION  
MINUTES OF MEETING OF DECEMBER 9, 2004**

The Wrightstown Township Planning Commission met on Thursday, December 9, 2004, in the Community Room of the Village Library, Penns Park Road, Wrightstown, PA. In attendance and voting were: Frank Davis, Chairman; John Fowler, John Halderman, Dennis Keating, Robert Lloyd, and Ann Mark, members. Also in attendance were Mario Canales of Pickering Corts and Sommerson, Township Engineer and Judith Stern Goldstein of Boucher and James, Township Planner.

**Call to Order:**

Mr. Davis called the meeting to order at 8:00PM

**Approval of Minutes**

*Mr. Fowler moved to approve the minutes of September 23, 2004. Ms. Mark seconded and the motion passed 4-0, with Messrs. Halderman and Keating abstaining.*

**Datesman Subdivision Preliminary Plan**

Mr. William C. Breigel of Orleans Home Builders, Mr. Wayne Kiefer of Tri-State Engineers, and Mr. Ed Murphy, attorney for Orleans were present to discuss the preliminary plan for development of the Datesman tract.

Mr. Breigel reviewed changes that had been made to the plan in response to comments from the Planning Commission. He noted that one of the detention basins had been changed to a retention basin; a culvert had been added to eliminate encroaching on waters of the Commonwealth; lights have been added to the intersection of the development and Brownsburg Road; and the sewage treatment has been modified to eliminate one step. The plan now would employ gravity sewers to a pumping station for most of the lots, with only three lots not gravity equipped. A drip irrigation system is to be employed.

Ms. Goldstein suggested that the pumping station be built to resemble the homes in the development, using Bucks County materials.

In response to Mr. Fowler's questions, Mr. Kiefer said that the three areas of open space are connected and contiguous, with the location chosen to preserve as much wooded area as possible. The portions of wooded area on private lots would be deed restricted. He noted that the septic system area had been removed from the open space calculations.

Mr. Fowler commented that he did not feel that the open space was connected. He noted that the road and housing lots separate the woods into three areas, and asked about elimination of a few of the lots to create a continuous wooded open space.

Mr. Murphy reviewed the Pickering Courts and Sommerson letter of October 29, 2004. He said that Orleans would apply to the Zoning Hearing Board for a Special Exception to allow a utility operating facility. He said that he thought that because the utility facility is necessary to provide sewer service to the development the Special Exception would be granted. He said that the Township had not yet decided whether the pumping station would be owned by the Homeowners Association or the Township.

Mr. Murphy said that they would seek waivers for item #1, a flat-bottomed basin to promote groundwater recharge; and #2, the elimination of sidewalks.

The Commission discussed the retention basin/pond. Mr. Kiefer said that there would be about 8 inches of water and a wet meadow. The flat bottom, rather than the 2% slope required by the ordinance would promote groundwater recharge. The builders would install an aerating fountain if the Planning Commission would like one.

Item #3 of the letter, regarding the maintenance of the pumping facility by the Homeowners Association, has not yet been decided by the Board of Supervisors.

Orleans will comply with items 4, 5, 8, 9, 10 and 11. Mr. Murphy said that they would name the street whatever the Board of Supervisors and Ms. Bradley have agreed is appropriate.

Regarding item #7, a traffic study, Mr. Fowler said that he thought that safety is not a small issue, and he expressed concern about increased traffic because of this and other developments at the intersection of Brownsburg Road and Rte. 413.

Mr. Kiefer explained that inlets would be placed along Brownsburg Road to collect run-off and direct water toward the retention basins. There would be some berming along roadways and some lots would be graded to rise toward the rear. He estimated that about 20,000 cubic yards of topsoil would have to be removed.

In discussing the need for a special exception, Ms. Goldstein said that this is a zoning issue. Mr. Murphy said that this is the only zoning relief sought.

In discussing the open space provided the Commission noted that while there are 670,000 square feet of open space, where only 578,000 square feet is required, the Commission would prefer to see more contiguous undisturbed wooded areas. Mr. Kiefer noted that in a "by-right" plan, three-acre lots could be used without the need for any open space.

## **Public Comment**

Resident Janice Schimek of 49 Thompson Mill Road expressed concern about the pumping station and ponds. She said that she is worried about mosquitoes, other insects and rodents. She said that she thought that the Planning Commission should protect the current residents.

Mr. Davis explained that property owners are entitled to use their property as long as they conform to the zoning ordinances. Orleans has a right to submit a "by right" plan that the

Township must approve. The Township attempts to compromise with builders to protect the immediate neighbors and the Township. The Planning Commission reviews the proposed plans, and makes recommendations to the Board of Supervisors. He suggested that Ms. Schimek and the other residents in attendance also make their concerns known to the Supervisors.

Mr. Stickley of 216 Brownsburg Road expressed concern about flooding. He said that he has already experienced flooding on his property and he is worried that the development of this property will increase the flooding problems.

Ms. Schimek said that she is also concerned about flooding, noting that as the water flows along Brownsburg Road it collects debris and deposits it at the intersection with Thompson Mill Road.

Mr. Kiefer reviewed the plan for berming along Brownsburg Road, through an inlet system that will direct the water toward the retention basin.

Ms. Schimek asked if the drip irrigation system would add even more to the flooding problems. Mr. Stickley asked about odor coming from the drip area.

Mr. Breigel said that the system is designed to take into account rainwater. Testing has been conducted in the area for about five years, last done in about 2003, after the end of the drought conditions. He said that this system does not spray, does not have odor, and the effluent has been treated so that it meets drinking water standards.

The Commission discussed the drip system. Mr. Murphy noted that the Township prefers such a system. It is necessary because the soil does not percolate and could only accommodate sand mounds for three or four houses. The effluent is warm when discharged and the tubing is controlled and buried about 8 inches below grade to prevent freezing. The system proposed is to discharge 262.5 gallons per house per day, with a three day on site storage capacity. Although it had not yet been determined whether the Homeowners would own the system, or the Township would own it and charge the residents of the development for maintenance, the system would be designed to be unmanned, with an operator automatically notified through a telephone line if there was a problem. The system would be regularly inspected. The decision as to who would own the system would be made during the land development process; however it would not be the responsibility of the residents of Wrightstown Township to finance the maintenance.

Mr. Ted Ghabeles of 204 Brownsburg Road asked about the odor and about solid waste disposal.

Mr. Breigel said that the system is indoors, and does not use chlorine or other odor causing chemicals. Solid waste is broken down by microorganisms within a membrane system, and discharged as liquid effluent. He said that usually there is no odor at all, or possibly a slight smell similar to laundry detergent. Periodically build-up is removed and the system is flushed.

Ms. Goldstein and Mr. Canales assured those in attendance that they had visited similar systems on their recent "drip trip", and had not detected any odor. Mr. Canales noted that the Township

had agreed with another developer installing drip system that the builder would maintain the system for five years after the sale of the last home.

Mr. Davis said that the DEP must approve the system. Mr. Keating also pointed out that Wrightstown Elementary has a spray system, and there has never been an odor problem.

In response to Ms. Schimek's question, Mr. Kiefer said that the entrance to the development is about 400 feet from the intersection of Brownsburg Road and Thompson Mill Road.

In response to a question from Mr. Lloyd, Mr. Murphy said that the possibility that a special exception would not be granted by the Zoning Hearing Board is extremely remote, however they have considered other systems. The Township has indicated a preference for this system.

*Mr. Fowler moved to recommend that the Board of Supervisors approve the Preliminary Plan for the Datesman Subdivision with the conditions that:*

- *The applicant consider a reconfiguration of the open space with the elimination of lots 7 and 8 to better meet the spirit of JMZO Section 1005.A.2*
- *That they support the requests for waivers for item 1, a flat-bottomed retention basin, and item 2, a fee in lieu of sidewalks, as outlined in the Pickering Corts and Summerson letter of October 29, 2004. Request for waiver item 3 has been withdrawn.*
- *That the wet basin used as a pond be aerated*
- *That the pumping station be designed to be residential in character*
- *That the builders will comply with the Boucher and James letter of October 26, 2004*

*Mr. Halderman seconded and the motion passed unanimously.*

## **Roberts Tract**

Mr. Mike Palmer of Toll Brothers, and Mr. Ed Murphy were present to discuss Toll Brothers plan to develop the Roberts tract in Newtown Township, development of which would require a change to the JMZO.

Mr. Murphy said that this 28-acre parcel, currently the site of Roberts Nursery, is in the R-2 Residential Zoning District. Mr. Allen Fidler, a member of the Roberts family and one of the property owners, had proposed a re-zoning of the property for limited commercial use, but had been turned down. The family has since entered an agreement with Toll Brothers.

Toll Brothers has proposed a plan similar to the plan for the Frost Watson property in Newtown Borough, for a Traditional Neighborhood Development (TND), with streets and alleys laid in a rectilinear fashion, with greenways. While a TND typically has a mixture of dwelling types, and some amenities such as community centers, churches and some commercial uses, this will be attached housing only.

Mr. Palmer said that the development would not be age-restricted housing; however it would be marketed as age-targeted. The goal is to create an atmosphere that extends the Borough. It would be a compromise between age-qualified housing and a PRD.

Mr. Murphy said that a change to the Ordinance is needed to allow this housing. A draft has been prepared and had already been presented to Upper Makefield. At Upper Makefield it was suggested that the impervious surface ratio be reduced to 40% and that the open space be increased to 35%. He said that they were also concerned that the wording be tightened so that the new zoning area only be this one parcel in Newtown and would not also apply to any Upper Makefield properties.

Mr. Murphy said that he had already incorporated the changes recommended by Upper Makefield.

In response to questions from the Commission, Ms. Goldstein said that at Newtown Township Planning Commission meetings she had attended she had seen that this plan has the support of a majority of that Planning Commission, although not the unanimous support.

Ms. Schimek expressed concern that the entire jointure is becoming overdeveloped.

Mr. Halderman said that the property owner for this parcel has a right to develop it. Mr. Palmer pointed out that it is currently zoned for 127 homes, and this plan would have 102 homes.

The Commission agreed that the language of the draft ordinance should be tightened to be sure that it would not affect any parcels in Wrightstown. Mr. Murphy agreed to incorporate this suggestion into the draft.

### **Proposed Ordinance – Neshaminy Creek and Little Neshaminy Creek Watershed Stormwater Ordinance**

Mr. Canales provided copies of his letter dated December 8, 2004 to Eileen Bradley, reviewing the Act 167 Model Ordinance. He asked that the Commission read it and bring their comments to him. He explained that his comments would be forwarded to the Bucks County Planning Commission by December 15, 2004, to be adopted by March 10, 2005, although completion is not expected for another two years.

Mr. Davis suggested that the members make any comments to Mr. Canales before December 15, 2004.

### **Proposed JMZO Amendment 2004-12: Agricultural Sales**

Mr. Davis asked to table this discussion, as the newest draft of the amendment was not available for all members to review.

### **Proposed JMZO Amendment 2004-16: Rezoning of Wrightstown Township Properties**

*Mr. Keating moved to recommend that the Board of Supervisors approve JMZO Amendment 2004-16: Rezoning of Wrightstown Township Properties. Mrs. Mark seconded and the motion passed 6-0.*

### **Proposed JMZO Amendment 2004-18: Gasoline Retail Sales**

Mr. Davis noted that at the last review of this amendment, some additional items had been added, and the amendment before them reflects those changes.

*Mr. Halderman moved to recommend that the Board of Supervisors approve JMZO Amendment 2004-18: Gasoline Retail Sales. Mrs. Mark seconded and the motion passed 6-0.*

### **Other Business**

Mr. Davis reminded the Commission that this would be the last meeting of 2004. At the first meeting of next year, January 13, 2005, they would need to reorganize.

Mr. Davis asked the Commission members to consider volunteering to represent Wrightstown on the Jointure's Planning Commission.

Mr. Lloyd informed the Commission that he had been serving on the Wrightstown Ordinance Review Committee. This committee is using a four-step review process to revamp the ordinance, with a view toward preserving natural resources.

*Mr. Fowler moved to adjourn at 10:40 PM. Mr. Halderman seconded and the motion passed 6-0.*

**Respectfully Submitted**

**Mary Donaldson  
Recording Secretary**